

Natural Resources Wales Permitting Decisions

Drax Power Limited (Abergelli OCGT Plant)

Decision Document

Application for a Full Surrender

The application number is: PAN-025793

The surrender number is: EPR/BB3098FK/S001

The operator is: Drax Power Limited

The Installation is located at: Abergelli OCGT Plant, Abergelli Farm, Abergelli Swansea, SA5 7NN

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account

Unless the decision document specifies otherwise, we have accepted the operator's proposals.

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1 Executive Summary

1.1 Application summary

The Operator has applied to surrender the permit in full. The application is a low risk surrender application as the installation was never built and the land remains as undisturbed farmland. This has been confirmed by the operator and also the Regulator at Natural Resources Wales.

1.2 Our decision

We have decided to accept the surrender of the permit for Abergelli OCGT Plant operated by Drax Power Limited. We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state. We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

2 Receipt of the application

The application was received on 22/05/2024. In order for us to be able to consider the application duly made, we needed more information. We requested the following:

- Confirmation that Drax Power Limited is the Operator
- Confirmation that David Ball is authorised to sign the declaration form on behalf of the Directors
- Submission of the site condition report

A letter requesting this information was sent to the operator on 05/09/2024. Upon receipt of this information, on 09/09/2024, we were able to consider the application duly made. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination.

3 Confidential information

The operator made no claim for commercial confidentiality, and we have not received information in relation to the application that appears to be confidential in relation to any party.

4 Legislation

The surrender will be granted, under Regulation 25 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED
- subject to aspects of the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 which also have to be addressed.
- Any other relevant legislation

We address the legal requirements directly where relevant in the body of this document. NRW is satisfied that the decision on this application is consistent with its general purpose of pursuing the sustainable management of natural resources (SMNR) in relation to Wales and applying the principles of SMNR. In particular, NRW acknowledges that it is a principle of sustainable management to take action to prevent significant damage to ecosystems. We consider that, in granting the surrender a high level of protection will be delivered for the environment and human health. NRW is satisfied that this decision is compatible with its general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources.

5 The Site

5.1. Pollution risk

We are satisfied that there has been no pollution at the site. No development took place at the site and the area of the installation remains undisturbed since the application for an Environmental Permit was made.

We are therefore satisfied that there has been no pollution risk to the site resulting from the operations of the regulated facility throughout the lifetime of the permit as the facility never commenced operations.

5.2. Satisfactory state

We are satisfied the site remains in a satisfactory state as the regulated facility was never developed.

6 Other considerations

There are no outstanding compliance issues as the site was never developed.
The Site Officer has confirmed there are no outstanding subsistence fees.